wanted it to go housekeeping with, and couldn't because "we" couldn't get the furniture, a requested instruction that there could be no recovery except for such loss as plaintiff herself, and no one else, suffered should have been given.

Same—Evidence of Value of Use.—The value of the use of furniture which its owner lost during the period of a wrongful levy thereon should be estimated by the market value of the use where the property was located, so that evidence of the increase of rental of a house in another city when furnished with such property is not admissible to show the damages from the levy.

[Ed. Note.—For cases in point, see vol. 43, Cent. Dig. Sheriffs and Constables, § 307; vol. 5, Cent. Dig. Aattachment, § 1379.]

LOW MOOR IRON CO. *v.* LA BIANCA'S ADM'R.

Nov. 22, 1906.

[55 S. E. 532.]

Death—Action—Right to Sue—Nonresident Alien Beneficiaries.—Under Va. Code 1904, § 2902 et seq., authorizing the maintenance of an action for the death of a person caused by the wrongful act of another, and providing that the action shall be brought in the name of the personal representative of the decedent, and that the amount recovered shall be paid to the personal representative and distributed by him to the wife, husband, and child of the decedent, an administrator of a decedent who was a resident alien, and whose widow and infant child are nonresident aliens, may bring such an action.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 15, Death, § 38.]

Master and Servant—Injury to Servant—Negligence.—Where an employee engaged in mining ore undertook to punch the waste down a chute in obedience to the foreman's order without knowing, or without being able to ascertain by ordinary care that the waste was not securely supported, but was liable to give way if he worked on it, and the employer knew or by ordinary care might have known that the waste was not securely supported, it was the duty of the employer to warn the employee of the danger to which he would be exposed by so working.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 34, Master and Servant, §§ 310, 316½.]

Same—Reasonably Safe Place in Which to Work.—It is the duty of an employer to exercise ordinary care to provide a reasonably safe place in which an employee is required to work.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 34, Master and Servant, §§ 173, 179.]

Same.—Where the place where an employee was mining ore was not reasonably safe, and he was ignorant of the fact, and could not by ordinary care have discovered the danger, it was the duty of the

employer to inform him of it, and, in the absence of an official of higher grade, this duty devolved on the foreman, under whom he was working, as vice principal.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 34, Master and Servant, §§ 297, 298.]

Same—Fellow Servants.—A mine boss discharging the duty of the employer in furnishing to an employee engaged in mining ore as a common laborer a reasonably safe place in which to work is a vice principal, and not a fellow servant of the employee.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 34, Master and Servant, §§ 429, 434.]

SULLIVAN *v.* GUM, sheriff, et al.

Nov. 22, 1906.

[55 S. E. 535.]

Acknowledgment—Bill of Sale—Sufficiency.—The acknowledgment to a bill of sale was: "On the 12th day of July, A. D. 1905, before me personally appeared William Morse, to me known and known to be the same person mentioned and described in the foregoing instrument, and he duly acknowledged to me that he executed the same. H. E. Cole, Notary Public, New York City." The Virginia statute prescribes a form of acknowledgment, and declares that a certificate to such effect shall be sufficient, and a certificate complying literally with the statute would have read: "Corporation of New York, to wit, I, H. E. Cole, a notary public for the corporation aforesaid, in the state of New York, do certify that William M. Morse, Jr., whose name is signed to the writing above, bearing date on the 27th day of June, 1905, has acknowledged the same before me, in my corporation aforesaid. Given under my hand this 12th day of July, 1905." Held, that the acknowledgment was sufficient as a substantial compliance with the statute.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 1, Acknowledgment, §§ 151-172.]

BLUE RIDGE LIGHT & POWER CO. *v.* TUTWILER.

Nov. 22, 1906.

[55 S. E. 539.]

Street Railroads—Operation—Action for Injuries—Pleading.—A declaration alleging that while the plaintiff, in the exercise of reasonable care on his part, was driving his wagon and horses along the street, where he had a right to be, defendant, a street car company, through its agents and employees, negligently ran its car against the rear end of the wagon with such force and violence as to cause the